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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,328	10/27/2003	Bruce Buch	3123-530/MAX-002AUS	3835
22494	7590	10/18/2004	EXAMINER	
DALY, CROWLEY & MOFFORD, LLP			LAUTURE, JOSEPH J	
SUITE 101			ART UNIT	
275 TURNPIKE STREET			2819	
CANTON, MA 02021-2310			PAPER NUMBER	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,328

Applicant(s)

BUCH ET AL.

Examiner

Joseph Lauture

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 2-24 and 29-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>102703</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The application has not been checked to the extent necessary to determine the presence of all possible typographical and grammatical errors. Applicant's cooperation is requested in correcting any errors of which he/she may become aware in the application.

The Information Disclosure Statements filed 10/27/2003 have been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franaszek (US 4,488,142) in view of Aziz et al (US 6,130,629).

Franaszek teaches in figure (2) an encoder/decoder apparatus and method that comprises: a data channel; an encoder that receives blocks of data in an unconstrained data stream of an input vector X, wherein a logic circuit (shown in figure 3.1) produces a constrained data stream in the form of an output vector Z.

Franaszek does not specifically teach the limitation of replacing the code constraint violating bits with values that form a linked-list. However, Aziz et al teach in figure (1) a coding/decoding apparatus and method wherein an encoder (102) encodes by correcting and replacing code constraint violations. The system of Aziz et al further

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discloses an encoder unit including a modulation encoder (104) connected to an error correction coder. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Aziz et al into the system of Franaszek to increase system performance and reliability because this would require a lower signal to noise ratio for a given channel performance. It would have been further obvious to implement such a system with a computer program.

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Allowable Subject Matter

Claims 2-24 and 29-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25 and 26 are allowable.

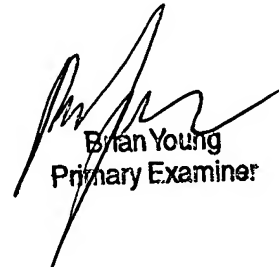
CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Lauture, whose telephone number is (571) 272-1805. The examiner can normally be reached Monday thru Friday between 9:30 am and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Tokar can be reached at (571) 272-1812. The fax number for the organization to which this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571) 272-1562.

Joseph Lauture
Group: 2819
Date: 10/08/2004



Brian Young
Primary Examiner